

Introduced by Senator Machado

February 24, 2006

An act to amend Section 1731 of the Welfare and Institutions Code, relating to juvenile facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1595, as introduced, Machado. Juvenile facilities.

Existing law provides that a court does not have the power to order an adult convicted of a public offense in a court of criminal jurisdiction from being committed to the Division of Juvenile Facilities in the Department of Corrections and Rehabilitation. Existing law provides that this provision does not apply to a transfer made pursuant to a specified provision governing transfers.

This bill would revise that exception to state that the general provision does not apply to a person who is transferred to the jurisdiction of that facility pursuant to and consistent with all the requirements set forth in the provision governing transfers.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1731 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 1731. (a) When in any criminal proceeding in a court of this
- 4 ~~State~~ *state* a person has been convicted of a public offense and
- 5 the person was a minor when he or she committed the offense,
- 6 the court shall determine whether the person was less than 21
- 7 years of age at the time of the apprehension from which the
- 8 criminal proceeding resulted. Proceedings in a juvenile court in

1 respect to a juvenile are not criminal proceedings as that phrase is
2 used in this chapter.

3 (b) Notwithstanding any other provision of law, no court shall
4 have the power to order an adult convicted of a public offense in
5 a court of criminal jurisdiction to be committed to the ~~Youth~~
6 ~~Authority~~ *Division of Juvenile Facilities*. This subdivision shall
7 not apply to a ~~transfer~~ *person who is transferred to the*
8 *jurisdiction of the Division of Juvenile Facilities* pursuant to and
9 *consistent with all the requirements set forth in Section 1731.5.*